

REMARKS

Claims 1-36 are pending in the application. Claims 1-36 stand rejected. Applicant respectfully requests consideration of the following remarks and allowance of the claims.

Rejections Based Upon 35 U.S.C. § 103(a)

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sauer (U.S. Patent No. 6,034,950) in view of Farris et al (U.S. Patent No. 5,592,477).

Applicant respectfully disagrees and contends that Sauer and Farris, separately and in combination, fail to teach or suggest each and every limitation of the claims.

Independent claim 1 advantageously provides for dynamically controlling the interworking point of a communication network. As discussed in detail in applicant's previous response, Farris does not disclose a dynamically controlled interworking unit. As will be discussed below, Sauer also does not disclose a dynamically controlled interworking unit. Additionally, the combination of Farris with Sauer does not teach or suggest all the limitations of claim 1, and the combination of Farris with Sauer is improper.

Discussion of Sauer Reference

Independent claim 1 requires an interworking unit that performs initial voice-band processing if required, and converts voice-band communications into asynchronous communications. The Office Action cites FIG. 4, voice processors 301 and 302 of Sauer as disclosing these limitations. However, FIG. 4 also discloses interworking unit 303. Voice processors 301 and 302 are clearly distinct from interworking unit 303. Therefore, FIG. 4 of Sauer does not disclose an interworking unit configured as required by claim 1. Instead, Sauer merely disclose voice processors separate and distinct from the interworking unit.

Independent claim 1 also requires an interworking unit that converts voice-band communications into asynchronous communications *with an identifier generated and transferred by a signaling processor* and with a processing indicator indicating if the voice-band processing was performed. The Office Action admits that Sauer fails to

disclose an identifier, but asserts that Farris clearly discloses such an identifier. Thus, the interworking unit of Sauer is not dynamically controlled as required by claim 1.

Discussion of the Farris Reference

The Office Action notes that Sauer does not disclose an identifier indicated by the first control message and that Farris teaches such an identifier. Applicant contends that Farris does not disclose the identifier indicated by the first control message that Sauer lacks.

The Office Action cites FIG. 6 and col. 26, lines 58-59 as disclosing the identifier lacking in Sauer. This portion of Farris is part of an "Overview of SS7" described at col. 24, line 62- col. 27, line 49. It would make no sense to combine the SS7 message of Farris with the interworking unit of Sauer. Furthermore, there is absolutely no motivation in either Farris or Sauer to combine SS7 signaling with the conversion performed by an interworking unit.

As discussed above, Sauer does not disclose an interworking unit that performs initial voice-band processing if required, and converts voice-band communications into asynchronous communications. In addition, Farris does not disclose an interworking unit that performs initial voice-band processing if required, and converts voice-band communications into asynchronous communications. Thus, even if Farris disclosed an identifier indicated by a first control message, the combination of Farris and Sauer would still not teach or suggest all the limitations of claim 1.

Improper Combination of References

The Office Action also states that it would have been obvious to combine Sauer with Farris and that the motivation to combine would be to make Farris more efficient. The Office Action improperly combines Sauer with Farris to reject the claims as obvious.

The mere fact that two references can be combined or modified does not render the combination obvious unless the prior art suggests the desirability of the combination (See MPEP § 2143.01). In this case, the Office Action has not shown how the prior art suggests the desirability of combining Sauer and Farris. The Office Action fails to state

how either Sauer or Farris suggests such a combination and fails to state how or why one skilled in the art would suggest the combination of Farris and Reese.

The Office Action's conclusion of obviousness improperly takes into account knowledge gleaned from applicant's disclosure and is therefore an improper conclusion of obviousness based on improper hindsight reasoning (*See* MPEP §2145.X.A). The Office Action gleans the advantages of adding an identifier and a processing indicator at the interworking point from the disclosure and improperly applies the advantages to Sauer and Farris.

Remaining Independent and Dependent Claims

Independent claims 11, 19, and 29 contain limitations similar to those of claim 1 and are therefore allowable for at least the same reasons as claim 1. While the dependent claims contain limitations rendering them separately allowable over the art of record, applicant forgoes such a discussion for the sake of brevity in view of the dependent claims depending from allowable independent claims.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance.

**SIGNATURE OF PRACTITIONER**

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